

IN THE TEXAS COURT OF  
CRIMINAL APPEALS

**CASEY ALLEN MARTIN,**  
***APPELLANT***

**v.**

**THE STATE OF TEXAS,**  
***APPELLEE***

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**NO. PD-0563-19**

FILED  
COURT OF CRIMINAL APPEALS  
12/19/2019  
DEANA WILLIAMSON, CLERK

*On Discretionary Review from the Second Court of Appeals of Texas,  
No. 02-18-00333-CR,  
Appeal in Cause No. 1515753D in the Criminal District Court No. 1 of Tarrant  
County, Texas, the Honorable Elizabeth Beach, Presiding*

**STATE'S FIRST MOTION FOR EXTENSION OF TIME TO FILE**  
**STATE'S BRIEF**

TO THE HONORABLE JUDGES OF THE COURT OF APPEALS:

COMES NOW, the State of Texas, by and through the Criminal District Attorney of Tarrant County, and files the State's First Motion for Extension of Time to File State's Brief in this appeal and for cause would respectfully show the following:

I.

The trial court was Criminal District Court No. 1 of Tarrant County, Texas. The style and number of the case in the trial court was *The State of Texas v. Casey Allen Martin*, No. 1515753D.

The Second Court of Appeals affirmed the trial court's judgment on May 16, 2019. The style and number of the case in the Second Court of Appeals was *Casey Allen Martin v. The State of Texas*, No. 02-18-00333-CR.

## II.

Appellant Casey Allen Martin pleaded guilty to the third-degree felony offense of possession of a controlled substance, methamphetamine, of one gram or more, but less than four grams. CR 35. In accordance with the plea agreement, the trial court deferred adjudication of Appellant's guilt and placed him on community supervision for seven years. CR 35.

## III.

This Court granted Appellant's Petition for Discretionary Review on October 9, 2019. This Court also granted oral argument in this case. Appellant is not currently incarcerated.

## IV.

The original deadline for Appellant to file his brief was November 8, 2019. Following an extension of time to file his brief, Appellant timely filed his brief on December 3, 2019.

## V.

The current deadline for filing the State's brief is January 2, 2020. The State

has not requested a previous extension.

## VI.

Counsel for the State relies on the following facts to explain the State's need for an extension of time to file its brief:

1. Since Appellant's brief was filed, Counsel prepared the State's brief in *Keith Deshaun Mathews v. The State of Texas*, No. 02-19-00173-CR. Counsel filed the State's brief in *Mathews v. State* in the Second District Court of Appeals of Texas on December 10, 2019.
2. Counsel is preparing the State's Proposed Findings of Fact and Conclusions of Law in *Ex parte Victor Larkin Hill*, No C-396-W011577-1420018-B, in the 396th Judicial District Court of Tarrant County.
3. Counsel will be out of the office for a pre-planned vacation from December 23, 2019, through December 27, 2019.
4. The issue presented in Appellant's brief is an issue of first impression with this Court. Counsel has been researching the issue and has made significant progress, however Counsel believes an extension is necessary to fully address the issue presented and respond to Appellant's arguments.

VII.

The State requests that the Court extend the deadline for filing its brief for 21 days until January 23, 2020. This extension is not requested for purposes of delay, but rather to adequately address the legal issues presented by Appellant in his brief.

WHEREFORE, PREMISES CONSIDERED, the State of Texas prays that this Court grant the State's First Motion for Extension of Time to File State's Brief and extend time for filing of the brief to January 23, 2020.

Respectfully submitted,

SHAREN WILSON  
Criminal District Attorney  
Tarrant County, Texas

JOSEPH W. SPENCE,  
Assistant Criminal District Attorney  
Chief, Post-Conviction

/s/ VICTORIA A. FORD OBLON  
VICTORIA A. FORD OBLON  
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### **CERTIFICATE OF CONFERENCE**

I, Victoria A. Ford Oblon, Assistant Criminal District Attorney, hereby certify that I contacted Appellant's attorney, the Hon. Michael Mowla, on December 18, 2019, explained that I planned to file for this extension, and inquired whether he had any objections. Mr. Mowla said he has no objection to this motion.

/s/ VICTORIA A. FORD OBLON  
VICTORIA A. FORD OBLON

### **CERTIFICATE OF SERVICE**

A true copy of the State's Motion has been e-served to opposing counsel, the Hon. Michael Mowla, michael@mowlalaw.com, P.O. Box 868, Cedar Hill, Texas 75106, on this, the 19th day of December, 2019.

/s/ VICTORIA A. FORD OBLON  
VICTORIA A. FORD OBLON